

REMARKS

The Office Action mailed January 20, 2010 has been carefully considered by Applicant. Reconsideration is respectfully requested in view of the foregoing claim amendments and the remarks that follow.

Allowable Subject Matter

Claims 19-26 are indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 19 is hereby amended to independent form and includes all of the limitations of the base claim.

Claim 19 is thus in condition for allowance.

Claims 20-26 depend from claim 19 and are thus also in condition for allowance.

Claim Rejections

Claims 9-12, 14-15 and 17 have been rejected under 35 U.S.C. §102(b) as being anticipated by Halaunbrenner U.S. Patent No. 3,824,957.

Claim 9 is hereby cancelled. Claim 27 is added to more particularly point out and distinctly claim the subject matter of the present invention. Claim 27 is believed allowable over the prior art, including Halaunbrenner '957.

Claim 27

Claim 27 recited *an elongated conduit member extending through the rearing device to the emigration device, wherein a first cut-out is formed radially into the conduit member at a location that allows for migration of crustacea radially inwardly from the rearing device into the conduit*. This is not disclosed by Halaunbrenner '957, which includes a central orifice 6 defined by a solid wall 7. There is no *cut-out formed radially into the conduit member*.

Claim 27 further recites *wherein the emigration device defines a second cut-out at a location that allows for migration of crustacea from the conduit onto the seabed*. Halaunbrenner '957 also does not disclose this element, in combination with the remaining structure of claim 27.

Withdrawal of the rejection under Section 102 is thus appropriate and requested.

Application No. 10/585,773
Amendment Dated April 14, 2010
Reply to Office Action of January 20, 2010

Claims 10-17

Claims 10-15 and 17 depend from claim 27 and are thus allowable for the reasons stated above.

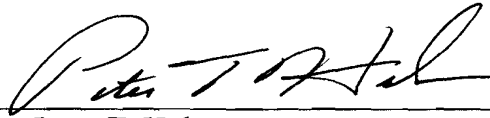
Claims 13 and 16 were previously withdrawn. Upon allowance of claim 27, reentry of claims 13 and 16 is respectfully requested, including amendment of claim 16 to depend from claim 27.

Conclusion

The present application is thus believed in condition for allowance and such action is respectfully requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By 
Peter T. Holsen
Reg. No. 54,180

Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, Wisconsin 53202
Telephone: (414) 271-7590
Facsimile: (414) 271-5770